

### **REMARKS**

Currently, claims 1-11 and 21-36 remain pending in the present application. In the previous Office Action, claims 1-11, 21-34 and 36 continued to stand rejected under 35 U.S.C. § 103 over Blackwood in view of Moriwaki. In addition, claims 35 and 36 were rejected under 35 U.S.C. § 103 over Blackwood in view of Moriwaki and Weil.

In the Office Action, the Declaration under 37 CFR Section 1.131 filed in the previous response dated April 14, 2008 was indicated as being improper. In response, the Petition and Declaration are being resubmitted.

Both documents have been signed by Russell M. Robinson III who is the Vice President and Secretary of the Assignee of Record.

Also enclosed is an Affidavit signed by Applicant's attorney in support of the Petition under 35 C.F.R. § 1.47 explaining the efforts that have been made in order to contact the inventor. Based on the rules, the Affidavit should be signed by the person with personal knowledge of the facts contained in the Affidavit.

If the Declaration filed under 37 C.F.R. § 1.137 is still deemed improper, Applicant respectfully requests a further explanation as to the reason for not accepting the Declaration. Examiner Singh is also invited and encouraged to telephone the undersigned at her convenience if that may help eliminate any future confusion or misunderstanding that Applicant may have.

Otherwise, Applicant submits that Blackwood is not prior art to the pending claims and that the present application is in complete condition for allowance. Thus, a Notice of Allowance is respectfully requested.

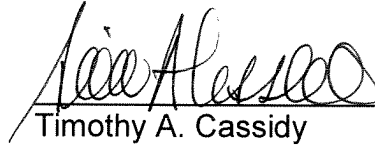
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Respectfully submitted,

DORITY & MANNING, P.A.

3/12/09

Date

A handwritten signature in black ink, appearing to read "Timothy A. Cassidy", is written over a horizontal line.

Timothy A. Cassidy

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